

Commissioner determines to be sufficient under subsection (c).

“(c) DETERMINATION OF AMOUNT OF ASSETS REQUIRED TO BE MAINTAINED.—For purposes of subsection (b)(1), the Commissioner shall calculate the amount of assets sufficient to pay all duties that may potentially be applied to merchandise imported by a non-resident importer based on an amount that exceeds the amount, calculated using the fair market value of the merchandise, of all duties, fees, interest, taxes, or other charges, and all deposits for duties, fees, interest, taxes, or other charges, that would apply with respect to the merchandise if the merchandise were subject to the highest rate of duty applicable to such merchandise imported from any country.

“(d) MAINTENANCE OF ASSETS IN THE UNITED STATES.—

“(1) IN GENERAL.—For purposes of subsection (b)(1), a nonresident importer of merchandise meets the requirement to maintain assets in the United States if the importer has clear title, at all times between the entry of the merchandise and the liquidation of the entry, to assets described in paragraph (2) with a value equal to the amount determined under subsection (c).

“(2) ASSETS DESCRIBED.—An asset described in this paragraph is—

“(A) an asset held by a United States financial institution;

“(B) an interest in an entity organized under the laws of the United States or any jurisdiction within the United States; or

“(C) an interest in real or personal property located in the United States or any territory or possession of the United States.

“(e) EXCEPTIONS.—The requirements of this section shall not apply with respect to a non-resident importer—

“(1) that is a validated Tier 2 or Tier 3 participant in the Customs-Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 961 et seq.); or

“(2) if the Commissioner is satisfied, based on certified information supplied by the importer and any other relevant evidence, that the Commissioner has the same or equivalent ability to collect all duties that may potentially be applied to merchandise imported by the importer as the Commissioner would have if the importer were a resident importer.

“(f) PROCEDURES.—The Commissioner shall prescribe procedures for assuring that non-resident importers maintain the assets required by subsection (b).

“(g) PENALTIES.—

“(1) IN GENERAL.—It shall be unlawful for any person to import into the United States any merchandise in violation of this section.

“(2) CIVIL PENALTIES.—Any person who violates paragraph (1) shall be liable for a civil penalty of \$50,000 for each such violation.

“(3) OTHER PENALTIES.—In addition to the penalties specified in paragraph (2), any violation of this section that violates any other provision of the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301)) shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under that provision or title 18, United States Code.”

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 484b the following:

“Sec. 484c. Asset requirements applicable to nonresident importers.”

(c) EFFECTIVE DATE.—Section 484c of the Tariff Act of 1930, as added by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to merchandise entered, or withdrawn from warehouse for consumption, on or after the date that is 180 days after such date of enactment.

TITLE IV—COUNTERING CURRENCY UNDERVALUATION

SEC. 7401. INVESTIGATION OR REVIEW OF CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

Section 702(c) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

“(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation under this subtitle in which the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative and the petition includes an allegation of currency undervaluation by the government of a country or any public entity within the territory of a country that meets the requirements of clause (i) of that paragraph, or for purposes of a review under subtitle C with respect to a countervailing duty order involving such an allegation, the administering authority shall examine in its investigation or review whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy.”

SEC. 7402. DETERMINATION OF BENEFIT WITH RESPECT TO CURRENCY UNDERVALUATION.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking “, and” and inserting a comma;

(2) in clause (iv), by striking the period at the end and inserting “, and”;

(3) by inserting after clause (iv) the following:

“(v) in the case of a transaction involving currency, if there is a difference between the amount of currency received in exchange for United States dollars and the amount of currency that the recipient would have received absent an undervalued currency.”; and

(4) in the flush text following clause (v), as added by paragraph (3), by adding at the end the following: “For purposes of clause (v), a determination of the existence and amount of a benefit from the exchange of an undervalued currency shall take into account a comparison of the exchange rates derived from a methodology determined by the administering authority to be appropriate in light of the facts and circumstances to the relevant actual exchange rates. That determination shall rely on authoritative information that is on the administrative record.”

TITLE V—GENERAL PROVISIONS

SEC. 7501. APPLICATION TO CANADA AND MEXICO.

Pursuant to section 418 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4588), the amendments made by this division apply with respect to goods from Canada and Mexico.

SEC. 7502. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b) or (c), the amendments made by this division apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), antidumping duty investigations initiated under subtitle B of title VII of such Act (19 U.S.C. 1673 et seq.), reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.), and circumvention inquiries requested under section 781 of such Act (19 U.S.C. 1677j), on or after the date of the enactment of this Act.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this division apply to—

(A) investigations or reviews under title VII of the Tariff Act of 1930 pending on the date of the enactment of this Act if the date on which the fully extended preliminary determination is scheduled is not earlier than 45 days after such date of enactment;

(B) circumvention inquiries initiated under section 781 of the Tariff Act of 1930 before and pending on such date of enactment; and

(C) circumvention inquiries requested under such section 781 but not initiated before such date of enactment.

(2) DEADLINES FOR CIRCUMVENTION INQUIRIES.—

(A) DETERMINATIONS.—In this case of a circumvention inquiry described in paragraph (1)(B), subsection (f)(4) of section 781 of the Tariff Act of 1930, as amended by section 7301(a), shall be applied and administered—

(i) in subparagraph (A)(i), by substituting “the date of the enactment of the Eliminating Global Market Distortions to Protect American Jobs Act of 2021” for “the date on which the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A)”;

(ii) in subparagraph (C), by substituting “the date of the enactment of the Eliminating Global Market Distortions to Protect American Jobs Act of 2021” for “the filing of the inquiry request”.

(B) ACTIONS WITH RESPECT TO INQUIRY REQUESTS.—In this case of a circumvention inquiry described in paragraph (1)(C), the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) shall, not later than 20 days after the date of the enactment of this Act, take an action described in subsection (f)(3) of section 781 of the Tariff Act of 1930, as amended by section 7301(a), with respect to the inquiry.

(c) RETROACTIVE APPLICATION OF MODIFICATION OF SALES BELOW COST PROVISION.—Section 773(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(3)), as amended by section 7204(a), applies to—

(1) antidumping duty investigations initiated under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.) on or after June 29, 2015;

(2) reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) on or after June 29, 2015;

(3) resulting actions by U.S. Customs and Border Protection; and

(4) civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraphs (1) or (2) or actions referred to in paragraph (3) in which final judgment has not been entered on the date of the enactment of this Act.

SA 1679. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1337, strike line 23 and all that follows through line 16 on page 1338 and insert the following:

(8) SUBGROUP OF STUDENTS.—The term “subgroup of students” means an individual who is—

(A) enrolled in a secondary or postsecondary educational institution; and

(B) undergoing instruction with goals of acquiring and developing professional knowledge and achieving employment in a STEM field.

SA 1680. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4411 and insert the following:

SEC. 4411. AUTHORITY TO ENTER INTO CONTRACTS TO PROTECT FACILITIES FROM UNMANNED AIRCRAFT.

(a) **AUTHORITY.**—The following Federal departments are authorized to enter into contracts to carry out the following authorities:

(1) The Department of Defense for the purpose of carrying out activities under section 1301 of title 10, United States Code.

(2) The Department of Homeland Security for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(3) The Department of Justice for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(4) The Department of Energy for the purpose of carrying out activities under section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661).

(b) **FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement the authority provided under subsection (a).

SEC. 4412. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 8 years after the date of the enactment of this Act.

SA 1681. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1147, beginning on line 23, strike “made; or” and all that follows through “(B) as to which” and insert the following: “made;

(B) that can be grown, reprocessed, reused, or produced outside of the United States for a comprehensive cost that is at least 10 percent less than the comparable cost of growing, reprocessing, reusing, or producing such equipment or component or material thereof outside the United States; or

(C) as to which

SA 1682. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 4138, strike “describing the implementation” and all that follows through the period at the end and insert the following: “describing—

(1) the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws;

(2) the effectiveness of the changes made by this title;

(3) the effect of the changes made by this title to the overall costs for domestic manufacturing in the United States;

(4) the effects of the changes made by this title to output and productions costs for domestic manufacturing in the United States; and

(5) the effects of the changes made by this title on the competitiveness of United States domestic manufacturing with global competitors.

SA 1683. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 4497(b), add at the end the following: “The classified tracking shall be made available to any member of Congress upon request.”.

SA 1684. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In division D, strike title I.

SA 1685. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish

a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF NDAA PROVISION RELATING TO COMMERCIAL TERRESTRIAL OPERATIONS, THE GLOBAL POSITIONING SYSTEM, AND FEDERAL COMMUNICATIONS COMMISSION ORDER 20-48.

Subtitle E of title XVI of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is repealed.

SA 1686. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4411 and insert the following:

SEC. 4411. EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Secretary of Homeland Security, are exempt from the procurement and operation restrictions under sections 4403 and 4404 to the extent such procurement or operation is necessary for the sole purpose of supporting the full range of wildfire management operations.

SEC. 4412. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 8 years after the date of the enactment of this Act.

SA 1687. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4123.

SA 1688. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science